

## **Remarks**

### **1. Summary of the Office Action**

In the final office action mailed May 27, 2009, the Examiner maintained the rejections of claims 1-37 under 35 U.S.C. § 103 as being allegedly unpatentable over U.S. Patent 7,046,649 (Awater) in view of U.S. Patent 6,473,419 (Gray).

### **2. Status of the Claims**

Applicant has amended claims 1, 3, 5, 6, 8, 11, 12, 13, 16, 19, 20, 21, 24, 26, 29, 34, and 37. Currently pending are claims 1-37. Claims 1, 6, 8, 16, 20, 24, 26, and 34 are independent, and claims 2-5, 7, 9-15, 17-19, 21-23, 25, 27-33, and 35-37 are dependent. The amendments to the claims are supported generally throughout the specification. No new matter has been added.

### **3. Response to Rejections**

The Examiner rejected claims 1-37 under 35 U.S.C. § 103 as being allegedly unpatentable over Awater in view of Gray. Under MPEP § 2142, a rejection under 35 U.S.C. § 103 must be supported by a clear, non-conclusory articulation of the reasons the claimed invention would have been obvious at the time the invention was made, based on sound factual underpinnings. Without conceding the Examiner's statements, Applicant respectfully submits that through the amendments to the claims, Applicant has traversed the Examiner's prior rejections.

Further, Applicant respectfully submits that the claims, as amended, are allowable over the cited references for at least the reason that the combination of the limited teachings of Awater and Gray do not reasonably or logically lead to the methods and apparatuses set forth in

the claims. As amended, independent claim 1 recites “responsive to a determination that the first station is not in a power save state, (i) enabling transmission protection at a second station; and (ii) from the second station, transmitting a message via the shared-communications channel requesting that a third station enable transmission protection.” The combination of Awater and Gray fails to describe transmitting a message via the shared-communications channel requesting that a third station enable transmission protection, and also fails to teach the specific responsiveness presented in claim 1. The combination of the teachings of Awater and Gray also fails to reasonably and logically lead to the specific responses recited in amended independent claims 6, 8, 20, 24, and 26.

The combination of the cited references does not lead to the method set forth in amended independent claim 16. In particular, the references do not teach transmitting from a first station a first frame comprising a duration field value to a second station via a shared-communications channel in accordance with a first modulation scheme and receiving at the first station a second frame from a third station via the shared-communications channel in accordance with a second modulation scheme during a time interval defined by the duration field value, as set forth in claim 16. At best, the combination of Awater and Gray teaches a device capable of switching between two communication modes to allow the use of a shared communications channel. As such, the limited teachings of Awater and Gray also fail to lead to the apparatus claimed in amended claim 34. Thus, Applicants respectfully submit that independent claims 1, 6, 8, 16, 20, 24, 26, and 34 are allowable.

Applicant notes that claims 2-5, 7-8, 10-15, 17-19, 21-23, 25, 27-33, and 35-37 depend from allowable independent claims 1, 6, 8, 16, 20, 24, 26 and 34, respectively, and are thus

allowable due to their dependencies. Consequently, and without conceding the Examiner's other statements, Applicant respectfully submits that all of the pending claims are allowable.

### **Conclusion**

Applicant respectfully submits that, in view of the remarks above, all of the pending rejections have been overcome. Applicants therefore respectfully request allowance of all the pending claims. The Examiner is invited to call the undersigned at (312) 913-0001 with any questions or comments.

Respectfully submitted,

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